

REMARKS/ARGUMENTS

Reconsideration of this application, as amended, is respectfully requested.

I. Status of the Claims

Claims 1-5 have been canceled without prejudice or disclaimer of the subject matter therein.

Claims 6 and 7 have been amended.

Claim 9 has been added.

Claims 6-9 are pending.

Neither the amendments to claims 6 and 7, nor new claim 9 adds new matter.

II. Status of the Specification

The Specification was amended to correct misspellings, typographical errors, and grammar. No new matter has been added with these changes.

The Specification has also been amended to specifically identify features of the invention that were present in the figures as filed, but not particularly described. Applicants have provided the additional text to clarify the invention as originally described. Support for the amendments can be found in Figures 1-3 and 7, and the original Specification at page 4, lines 10-12, and page 5 lines 11-14.

Applicants note that the publication of the present application, (Publication No. US 2003 0143907) contains typographical errors which Applicants do not address because they were not present in the application as originally filed.

Figures 1, 2, and 7 were amended to reference features present in the figures as originally filed and not specifically enumerated. The figures have been amended to correspond with the amended text in the Specification. No new matter was added.

III. Acknowledgment of Allowable Subject Matter

Applicants would like to thank the Examiner for the indication of allowable subject matter in claim 7 if it were written to overcome the 35 U.S.C. §112 rejection. Applicants have amended claim 7 to overcome the noted informalities, and claim 7 is now in condition for allowance.

IV. Rejections Under 35 U.S.C. §112

Claims 6 and 7 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, the Examiner stated that the phrase “the second pile being . . . arranged in double lines longitudinally front and rear together with respect to the first pile yarns, and disposed between adjacent ones of the first piles” is unclear. Specifically, the Examiner indicated the meanings of the terms “front”, “rear”, and “ones” was unclear.

Claim 6 has been amended to clarify the meaning of the terms “front” and “rear” by defining the double lines with reference to the longitudinal and latitudinal directions. Claim 6 has further been amended to expand the description of “ones” to more distinctly claim the subject matter.

Claim 7 was similarly rejected because the Examiner was unclear as to what was meant by the phrase “wherein two to five threads of the wefts lie between adjacent ones of the first set of piles tufted in the same stitch row of the first pile yarn and are also disposed between adjacent ones of the second set of piles tufted in the same stitch row of the second pile yarn.” Although the Examiner was unclear as to what was intended by this phrase, she correctly interpreted it as “having two to five wefts grouped between tufts as shown in Figure 1.” Claim 7 has been amended to distinctly claim this feature. Thus, Applicants respectfully request the Examiner withdraw her objection.

V. Rejections Under 35 U.S.C. §103

Claim 6 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP 02-111372 issued to Fikushima et al. (hereinafter “Fikushima”) in view of Watkins U.S. Patent No. 4,658,739 (“the ‘739 patent”) issued to Watkins and U.S. Patent No. 4,841,886 (“the ‘886 patent”) issued to Watkins.

Applicants respectfully submit that Fikushima does not teach or suggest, alone or in combination with either the ‘886 or the ‘739 patents, all of the elements of claims 6 and 8. The Examiner contends that Fikushima teaches “a primary backing for a tufted carpet comprising a woven fabric wherein either warp or weft yarns comprises multi-stratum (i.e., bicomponent) fibers (abstract).” Office Action dated August 25, 2003, page 4. Applicants respectfully disagree with the Examiner’s characterization of Fikushima. Fikushima teaches a “primary backing fabric [that] is woven by using a multi-stratum flat-yarn *and* a mono-stratum flat yarn.” (Fikushima, abstract)(emphasis added). However, claim 6 requires that *both* the warps and the wefts be “comprised of a plurality of filaments.” This distinction is important because:

[s]ince the binding resin (15) is mixed and distributed inside of the weft (13), all filaments (14, 14) are firmly fixed to one another. On the other hand, since a little amount of the binding resin (15) which partially distributes only on the surface of the weft (13) attaches and adheres to the warp (12), the adhesion between the warp (12) and the weft (13) only occurs at various points. That is, the warp (12) and the weft (13) are not fixed to each other over the whole surface of contact as in the case of Japanese Utility Model Laid Open No. 2-111372. Thus, when the needle pushes the warp (12) and the weft (13) in the tufting process, the warp (12) and the weft (13) are easily separated away at the intersection on the backing fabric.

Specification page 13, lines 14-21. The present invention therefore overcomes problems associated with the mono-filament / multi-filament pairing disclosed in Fikushima, which includes the problem of bending fine gauge tufting needles when the weft and the warp become too firmly fixed together at the intersection. Specification page 5, lines 18-19. Finally, both the '886 patent and the '739 patent are silent regarding the use of multi-filament warps and wefts. Thus, Fikushima, alone or in combination with either the '886 or the '739 patent, does not teach or suggest all of the elements of claims 6 and 8. Therefore, Applicants respectfully request the Examiner withdraw the above rejection.

CONCLUSION

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

REMARKS

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: November 21, 2003

Respectfully submitted,

By 

Louis J. DelJurdice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant

Attachments